| 1  | BILL LOCKYER, Attorney General of the State of California TRINA L. SAUNDERS, State Bar No. 207764 Deputy Attorney General California Department of Justice 300 South Spring Street, Suite 1702 Los Angeles, California 90013 Telephone: (213) 620-2193            |   |  |
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| 4  |   |   |  |
| 5  | Telephone: (213) 620-2193<br>Facsimile: (213) 897-9395  |   |  |
| 6  | Attorneys for Complainant   |   |  |
| 7  | BEFORE THE PHYSICAL THERAPY BOARD DEPARTMENT OF CONSUMER AFFAIRS  |   |  |
| 8  |   |   |  |
| 9  | STATE OF CAL  | AFORNIA   |  |
| 10   | In the Matter of the Accusation Against:  | Case No. 1D 2004 63961  |  |
| 11   | DOUGLAS SAYDE, P.T.   |   |  |
| 12   | 1856 Litchfield Avenue  | STIPULATED SETTLEMENT AND   |  |
| 13   | Long Beach, California 90815  | DISCIPLINARY ORDER  |  |
| 14   | Physical Therapist License No. PT 16947,  |   |  |
| 15   | Respondent.   |   |  |
| 16   |   |   |  |
| 17   |   |   |  |
| 18   | IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  |   |  |
| 19   | above-entitled proceedings that the following matter  | s are true:   |  |
| 20   | <u>PARTIES</u>  |   |  |
|  |   | <u>~</u>  |  |
| 21   |   | nant") is the Executive Officer of the  |  |
| <ul><li>21</li><li>22</li></ul>                                  |   | nant") is the Executive Officer of the  |  |
|  | 1. Steven K. Hartzell ("Complai   | nant") is the Executive Officer of the ely in his official capacity and is represented  |  |
| 22   | 1. Steven K. Hartzell ("Complain Physical Therapy Board. He brought this action sole  | nant") is the Executive Officer of the  |  |
| 22<br>23   | 1. Steven K. Hartzell ("Complain Physical Therapy Board. He brought this action sole in this matter by Bill Lockyer, Attorney General of the Deputy Attorney General.   | nant") is the Executive Officer of the  |  |
| <ul><li>22</li><li>23</li><li>24</li></ul>                       | 1. Steven K. Hartzell ("Complain Physical Therapy Board. He brought this action sole in this matter by Bill Lockyer, Attorney General of the Deputy Attorney General.   | nant") is the Executive Officer of the ely in his official capacity and is represented the State of California, by Trina L. Saunders, o'T ("Respondent") is representing himself in                                   |  |
| <ul><li>22</li><li>23</li><li>24</li><li>25</li></ul>            | 1. Steven K. Hartzell ("Complain Physical Therapy Board. He brought this action sole in this matter by Bill Lockyer, Attorney General of the Deputy Attorney General.  2. Respondent Douglas Sayde, For this proceeding and has chosen not to exercise his right. | nant") is the Executive Officer of the ely in his official capacity and is represented the State of California, by Trina L. Saunders, o'T ("Respondent") is representing himself in                                   |  |
| <ul><li>22</li><li>23</li><li>24</li><li>25</li><li>26</li></ul> | 1. Steven K. Hartzell ("Complain Physical Therapy Board. He brought this action sole in this matter by Bill Lockyer, Attorney General of the Deputy Attorney General.  2. Respondent Douglas Sayde, For this proceeding and has chosen not to exercise his right. | nant") is the Executive Officer of the ely in his official capacity and is represented the State of California, by Trina L. Saunders, eT ("Respondent") is representing himself in eght to be represented by counsel. |  |

and effect at all times relevant to the charges brought in Accusation No. 1D 2004 63961 and will expire on July 31, 2006, unless renewed.

JURISDICTION

4. First Amended Accusation No. 1D 2004 63961 was filed before the Board and is currently pending against Respondent. The First Amended Accusation and all other

and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on August 30, 2006.

Respondent timely filed his Notice of Defense contesting the Accusation. A copy of First Amended Accusation No. 1D 2004 63961 is attached as Exhibit A and is incorporated herein by reference.

# ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in First Amended Accusation No. 1D 2004 63961. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

### CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in First Amended Accusation No. 1D 2004 63961.
- 9. Respondent agrees that his Physical Therapist License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

### **CIRCUMSTANCES IN MITIGATION**

10. Respondent Douglas Sayde, PT has never been the subject of any disciplinary action. He is admitting responsibility at an early stage in the proceedings.

### RESERVATION

11. The admissions made by Respondent herein are only for the purposes of this proceeding or any other proceedings in which the Physical Therapy Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

#### **CONTINGENCY**

- of California or its designee. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board may communicate directly with the Director and staff of the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 13. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Physical Therapy Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

### **DISCIPLINARY ORDER**

IT IS HEREBY ORDERED, based upon the above stipulations and recitals, that the Board, upon its approval of the Stipulation herein set forth, may, without further notice, enter

a Decision whereby Respondent, as holder of Physical Therapist License No. PT 16947, by way of letter from the Physical Therapy Board of California, shall be publicly reproved for violating Business and Professions Code sections 2630 and California Code of Regulations, title 16, section 1399 as set forth in First Amended Accusation No. 1D 2004 63961. Issuance of said public reproval is conditional upon Respondent's full compliance with the following conditions precedent:

1. WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING
THE PRACTICE OF PHYSICAL THERAPY. Within 90 days of the effective date of this
decision Respondent shall take and pass the Board's written examination on the laws and
regulations governing the practice of physical therapy in California. If Respondent fails to pass
the examination, Respondent shall be suspended from the practice of physical therapy until a
repeat examination has been successfully passed. Failure to comply with this condition
constitutes a material breach of this order.

2. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHEN

SUBJECT TO PUBLIC REPROVAL. It is not contrary to the public interest for the Respondent to practice and/or perform physical therapy after issuance of the public reproval. Accordingly, it is not the intent of the Board that this order or the fact that the Respondent has been publicly reproved shall be used as the sole basis for any third party payor to remove Respondent from any list of approved providers.

3. <u>FAILURE TO COMPLY WITH ORDER</u>. A material breach by Respondent of this order shall constitute unprofessional conduct and shall be a basis for further disciplinary action by the Board. In such circumstances, the Complainant may reinstate the First Amended Accusation in case number 1D 2004 63961, file a Second Amended Accusation and/or file a supplemental accusation alleging any material breach of this order by Respondent as unprofessional conduct.

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## **OTHER MATTERS**

- 1. Upon full compliance with the conditions precedent set forth in this Stipulation, Respondent's license shall be publicly reproved by way of a letter from the Board, which shall be in the same form as the letter attached hereto as Exhibit B.
- 2. It is not contrary to the public interest for Respondent to practice and/or perform his duties as a physical therapist while he is subject to this disciplinary order. It is not the intent of the Board that this order or the fact that Respondent has been publicly reproved shall be used as the sole basis for any third party payor to remove Respondent from any list of approved providers.

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| 1  | <u>ACCEPTANCE</u>   |  |  |
|----|---|--|--|
| 2  | I have carefully read the Stipulated Settlement and Disciplinary Order. I                         |  |  |
| 3  | understand the stipulation and the effect it will have on my Physical Therapist License. I enter  |  |  |
| 4  | into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, |  |  |
| 5  | and agree to be bound by the Decision and Order of the Physical Therapy Board of California       |  |  |
| 6  | DATED: October 1, 2006.   |  |  |
| 7  |   |  |  |
| 8  | Original Signed By:<br>DOUGLAS SAYDE, PT  |  |  |
| 9  | Respondent  |  |  |
| 10 |   |  |  |
| 11 |   |  |  |
| 12 | <u>ENDORSEMENT</u>  |  |  |
| 13 | The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully                 |  |  |
| 14 | submitted for consideration by the Physical Therapy Board Department of Consumer Affairs          |  |  |
| 15 | State of California.  |  |  |
| 16 |   |  |  |
| 17 | DATED: October 11, 2006.  |  |  |
| 18 | BILL LOCKYER, Attorney General of the State of California   |  |  |
| 19 |   |  |  |
| 20 | Original Signed By:   |  |  |
| 21 | TRINA L. SAUNDERS Deputy Attomey General  |  |  |
| 22 | Attorneys for Complainant   |  |  |
| 23 |   |  |  |
| 24 | DOJ Matter ID: LA2006500058 Sayde Stipulated Decision.wpd   |  |  |
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| 1   | PUBLIC REPROVAL<br>DRAFT  |
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| 2   |   |
| 3   | Douglas Sayde, PT<br>1856 Litchfield Ave.<br>Long Beach, CA 90815   |
| 5<br>6  | Re: Public Reproval Pursuant to Decision in Case No. 1D 2004 63961 First Amended Accusation against Douglas Sayde   |
| 7   | Dear Mr. Sayde:   |
| 8<br>9<br>10<br>11<br>12                              | On August 31, 2006, a First Amended Accusation was filed by the Physical Therapy Board of California for violation of Business and Professions Code sections 2660(d)(i), 2661 and 2239, and California Code of regulations, Title 16, section 1399.20, subdivision (a), in that you were convicted of crimes substantially related to the qualifications, functions or duties of a physical therapist pursuant to a plea agreement of misdemeanor DUI pleading guilty/nolo contendere to violating Vehicle Code Sections 23152 (a), which states, "It is unlawful for any person who is under the influence of any alcoholic beverage and drug, to drive a vehicle" and 23152(b) which states, "It is unlawful for any person who has 0.08% or more, by weight, of alcohol in his or her blood to drive a vehicle." |
| <ul><li>13</li><li>14</li><li>15</li><li>16</li></ul> | You have admitted the above and have taken and passed the Board's written examination on the laws and regulations governing the practice of physical therapy in California.  Wherefore, pursuant to the authority of Business and Professions Code 495, the Physical Therapy Board of California hereby issues this public reproval.  |
| 17  | Sincerley,  |
| 18  |   |
| 19<br>20  | For the Physical Therapy Board Department of Consumer Affairs   |
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| 1 2    | BEFORE THE PHYSICAL THERAPY BOARD DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA STATE OF CALIFORNIA |                        |  |  |
|--------|--|------------------------|--|--|
| 3      | STATE OF CALIFORNIA  |                        |  |  |
| 4      | In the Matter of the Accusation Against:   | Case No. 1D 2004 63961 |  |  |
| 5      | DOUGLAS SAYDE, P.T.  |                        |  |  |
| 6      | 1856 Litchfield Avenue<br>Long Beach, California 90815   |                        |  |  |
| 7<br>8 | Physical Therapist License No. PT 16947  |                        |  |  |
| 9      | Respondent.  |                        |  |  |
| 10     |  |                        |  |  |
| 11     | DECISION AND ORDER   |                        |  |  |
| 12     | The attached Stipulated Settlement and Disciplinary Order is hereby adopted by                           |                        |  |  |
| 13     | the Physical Therapy Board Department of Consumer Affairs State of California, as its Decision           |                        |  |  |
| 14     | in this matter.  |                        |  |  |
| 15     |  |                        |  |  |
| 16     | This Decision shall become effective on December 22, 2006  |                        |  |  |
| 17     | It is so ORDEREDNovember   | 22, 2006               |  |  |
| 18     |  |                        |  |  |
| 19     |  |                        |  |  |
| 20     |  |                        |  |  |
| 21     | Original Signed By:<br>FOR THE PHYSICAL THERAPY BOARD DEPARTMENT OF                                      |                        |  |  |
| 22     | CONSUMER AFFAIRS STA<br>Nancy Krueger, PT President  |                        |  |  |
| 23     |  |                        |  |  |
| 24     |  |                        |  |  |
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